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Attorney's Docket No.: 4906P061

06P061 JUN 1 8 2001

DECLARATION AND POWER OF ATTROPHENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

is attached hereto.

X was filed on (MM/DD/YYYY) March 30, 2001 as

was filed on (MM/DD/YYYY) __March 30, 2001 _____ a
United States Application Number _____ or PCT International Application Number ____ and was amended on (MM/DD/YYYY) _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

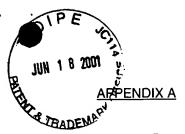
Prior Foreign Application(s)			Claim	•	
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No	
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes Yes	No No	
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I hereby claim the benefit u provisional application(s) lis		States Code, Section 119(e) of ar	ny United	States	
Application Number	(Filing Date - MM/DD/YYYY)				
Application Number	(Filing Date	(Filing Date – MM/DD/YYYY)			



I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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ereby appoint the pers	ons listed on Appendix A hereto (which is incorp	orated by reference and a
bstitution and revocation	my respective patent attorneys a on, to prosecute this application a	nd patent agen	its, with full power of
d Trademark Office co	on, to prosecute this application at	id to dansact a	in business in the Patent
na correspondence	to <u>Daniel M. DeVos</u> (Name of Attorney or Agent)	, BLAKELY	, SOKOLOFF, TAYLOR &
VFMAN LLP. 12400 W	ilshire Boulevard 7th Floor, Los	Angeles Cal	ifornia 90025 and direct
ephone calls toD	aniel M. DeVos, (4	08) 720-8300.	
<u> (N</u>	lame of Attorney or Agent)	•	
			_
ereby declare that al	statements made herein of my	own knowled	ige are true and that all
atements made on in	formation and belief are believe	d to be true; a	and further that these
atements were made	with the knowledge that willful	false stateme	nts and the like so made
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Inventor's Signature		Date	
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Post Office Address			



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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.